

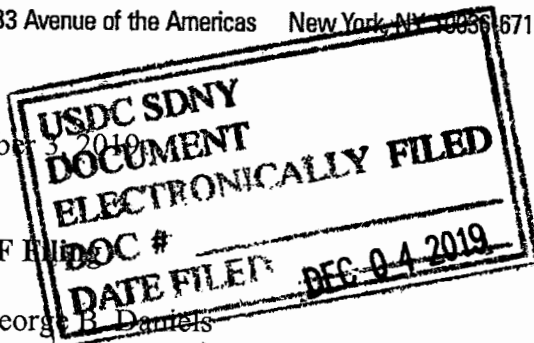
Patterson Belknap Webb & Tyler LLP

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December 3, 2019

By ECF Filed

Hon. George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312



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DEC 04 2019

SO ORDERED

The initial conference is
adjourned from December 11,
2019 to February 4, 2020 at
9:30 a.m.

Re: *DeVane v. L'Oreal USA, Inc.*, 1:19-cv-04362-GBD
Initial Conference and Case Management Plan

George B. Daniels
HON. GEORGE B. DANIELS

Dear Judge Daniels:

We represent Defendant L'Oréal USA, Inc. We write jointly on behalf of the parties to request a 60-day adjournment of the initial conference scheduled for next Wednesday, December 11, and a corresponding adjournment of the December 4 deadline for submitting a Case Management Plan and Scheduling Order.

On August 27, 2019, the Court approved the parties' agreed-upon briefing schedule for Defendant's Motion to Dismiss and adjourned the initial conference in this matter to December 11, 2019. (Dkt. 11). The Court had previously directed the parties to confer regarding the Court's Case Management Plan and Scheduling Order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure and to sign and file either the Court's proposed order or a different order seven (7) days before the date of the initial conference. (Dkt 6).

The parties have met and conferred regarding the proposed Case Management Plan and Scheduling Order. Plaintiff would like to begin discovery following the initial Case Management Conference, while Defendant believes all discovery should be stayed until after Defendant's pending motion to dismiss (Dkt. 13) is resolved, given that resolution of the motion will dictate whether discovery is necessary at all, and if so, on what issues. Notwithstanding and without waiving their respective positions, in the interests of minimizing the costs and burdens of discovery, the parties have agreed on a modest stay of discovery during the pendency of Defendant's motion. The parties further respectfully request a corresponding adjournment of the initial conference and associated deadlines, as set forth below.

1. The initial conference scheduled for December 11, 2019, should be adjourned to February 3, 2020, or as soon thereafter as is convenient for the Court.

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2. The parties will submit a joint report reflecting the parties' positions regarding the Case Management Plan and Scheduling Order no later than seven (7) days prior to the initial conference.
3. The parties agree to a stay of all discovery until at least seven (7) days after the initial conference. If no decision has been rendered on Defendant's Motion to Dismiss by that date, Plaintiff shall serve discovery focused on class certification issues. Initial class discovery for each party shall be limited to 30 requests for production, 30 interrogatories, 20 requests for admission, four (4) witness depositions, and one (1) 30(b)(6) deposition.
4. If the Court resolves Defendant's Motion to Dismiss before either party serves class discovery requests, the parties agree to re-convene and consider whether any modifications of the case management plan are warranted.

The parties respectfully request that if this Court finds the above acceptable, that it sign and enter a so-ordered version of this letter on the Court's docket.

Respectfully submitted,

/s/ Joshua Kipnees

Joshua Kipnees

cc: All counsel of record

Enclosure